

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: Jennifer Ann Curry Calvillo, DEBTOR

**CASE NO. 23-50239-KMS
CHAPTER 13**

Jennifer Ann Curry Calvillo, Plaintiff

v.

AP No. _____

**US DEPARTMENT OF EDUCATION,
GREAT LAKES; Defendants**

**Debtor's Complaint to Determine Federal Student Loans Dischargeable
For "Undue Hardship" Under 11 U.S.C. § 523(a)(8)**

Nature of Action

1. This is an adversary proceeding by which the Debtor seeks a declaration that Federal student loans constitute an undue hardship for the Debtor and should be discharged pursuant to Section 523(a)(8) of the Bankruptcy Code.

Jurisdiction and Venue

2. On February 22, 2023, the Debtor filed a voluntary petition in the United States Bankruptcy Court for the Southern District of Mississippi for relief under Chapter 13 of the Bankruptcy code.
3. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 1334 and 157(a).
4. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
5. Venue is proper in this district pursuant to 28 U.S.C. § 1409.

Parties

6. Plaintiff, Jennifer Ann Curry Calvillo, is the Debtor in the above captioned case. They are the recipient of Federal student loans.
7. Defendant, United States Department of Education (ED), is a Federal agency that oversees and originates Federal student loans. It is the originator and holder of the loans at issue. Defendant can be served at:
 - a. US Department of Education, 400 Maryland Ave SW, Washington, D.C. 20202;
 - b. US Department of Education, c/o US Attorney, 501 E Court St, Ste 4.430, Jackson, MS 39201; and

- c. US Department of Education, c/o US Attorney General, USDOJ, 950 Pennsylvania Ave NW, Washington, D.C. 20530.
- 8. Defendant, Great Lakes, is a servicer of the Federal Student Loans, and can be served at P.O. Box 7860, Madison, WI 53707-7860.

Factual Allegations

- 9. Plaintiff is a resident of Hattiesburg, Mississippi. She is 38 years old and lives with her spouse and 6-year-old daughter.
- 10. Currently there are two Direct Stafford loans, held by ED in an amount that exceeds \$276,809.00.
- 11. The loans were originated between 2007 - 2012. They entered repayment between 2009 - 2013. They have never defaulted.
- 12. The standard payment would be \$3,234.50 per month.
- 13. Plaintiff is unable to afford the standard payment as her net income after expenses is less than the standard payment.
- 14. Plaintiff has been out of school for over 10 years.
- 15. Plaintiff has made payments on the loans during this time. Plaintiff has been on an IDR payment plan since 2013.
- 16. During the time the student loans were in repayment, Plaintiff has paid approximately \$20,724.00.
- 17. Plaintiff did obtain the loans she went to school for and is currently employed in that field, however, her current income is not sufficient to pay the loans and is unlikely to increase to an amount necessary to make substantial payments.
- 18. Plaintiff filed bankruptcy to free herself of financial burden to enable her to maintain a basic sense of living while raising her 6-year-old daughter.
- 19. Plaintiff has maximized her income while reducing her expenses as best possible.
- 20. Her current employment is not likely to increase in income to the point that this loan will be affordable.
- 21. Plaintiff cannot work a second job because she must care for her 6-year-old daughter. Plaintiff's spouse is a shift-worker in Columbia, MS who works the night shift, 6:00 PM – 6:00 AM.

Claims for Relief

Declaration that Any Federal Student Loan Obligations Should be Discharged Pursuant to Section 523(a)(8)

22. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 21 of this Complaint as if fully set forth herein.
23. The repayment of Federal student loans made to Plaintiff would be an undue hardship to her.
24. As a result, Plaintiff's Federal student loan obligation should be discharged pursuant to 11 U.S.C. § 523(a)(8).

WHEREFORE, the Plaintiff demands judgment declaring that her Federal student loan is discharged pursuant to Bankruptcy Code section 523(a)(8).

Dated this February 24, 2023.

Respectfully Submitted,
/s/Jennifer Ann Curry Calvillo.
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